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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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HUERTA, ALEXANDER Q

ART UNIT	PAPER NUMBER
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2427

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

### Application No.

10/596,896

### Applicant(s)

BROEKSTEEG, GERARDUS  
HENRICUS

### Examiner

ALEXANDER Q. HUERTA

### Art Unit

2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-2, 6, 17** are rejected under 35 U.S.C. 102(b) as being anticipated by Rodriguez et al. (US Pat. Pub. **2002/0168178**), herein referenced as Rodriguez.

Regarding **claim 1**, Rodriguez discloses “a method comprising: storing current program information of a new channel on a storage device after a change of channel; and removing the program information from the storage device if a new change of channel occurs within a first time period” ([0149]-[0151], Figs. 13-16, i.e. Rodriguez teaches a method for channel buffering in a multi-tuner set-top box, in which the PVR application makes a determination when a new channel is requested whether or not the currently buffered channels meet a minimum duration threshold. If a currently buffered channel does not meet the minimum threshold then the new channel displaces the current channel in the buffer).

Regarding **claim 2**, Rodriguez discloses "removing the program information if a change to a new program in the new channel occurs within a second time period after the change of channel; and storing program information of the new program after the change to the new program." ([0103]-[0104], [0149]-[0151], i.e. Rodriguez teaches a second threshold for determining precedence for buffering when a third channel is selected for display).

Regarding **claim 6**, Rodriguez discloses that "the first time period is substantially equal to the second time period." ([0101], i.e. the threshold values can be determined by the viewer's preference, and thus the viewer can set the thresholds equal to each other).

Regarding **claim 17**, claim 17 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 1. Claim 1 discloses a method of storing data on a storage device and claim 17 discloses a product on a computer-readable medium having embodied thereon a computer program for performing the method. Thus, claim 17 is rejected.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Watkins. (US Pat. **7,394,968**) herein referenced as Watkins.

Regarding **claim 3**, Rodriguez fails to explicitly disclose “comparing the current program information with previously stored program information and refraining from storing the current program information if the current program information corresponds to the previously stored program information.”

Watkins discloses “comparing the current program information with previously stored program information and refraining from storing the current program information if the current program information corresponds to the previously stored program information.” (Col. 15 lines 48-60, i.e. Watkins teaches that the UPP (User Play Program) implements a comparative function to compare previously stored data with incoming data streams to determine if the current television program matches a stored television program to prevent duplicate storage). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of comparing previously stored program data with current program data and refraining from storing if the current data corresponds to the previously stored data as taught by Watkins, to improve the channel buffering and display management system of Rodriguez for the predictable result of preventing duplicate recordings of the same television program.

**Claims 4-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Maissel et al. (US Pat. **6,637,029**), herein referenced as Maissel

Regarding **claim 4**, Rodriguez discloses that the threshold values can be determined by the viewer's preference [0101] and determining buffering precedence when "channel surfing" [0143], however does not explicitly disclose that "the first time period is between 0.5 and 10 minutes".

Maissel teaches a method to determining channel surfing behavior in which a user views a program for a short period of time, for example 2 or 5 minutes, which meets the limitation "...time period between 0.5 and 10 minutes." Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of using a time period of 0.5 and 10 minutes as taught by Maissel, to improve the channel buffering and display management system of Rodriguez for the predictable result of determining channel surfing behavior so that "non-surfed" channels are given higher priority over "surfed" channels.

Regarding **claim 5**, Rodriguez discloses that the threshold values can be determined by the viewer's preference [0101] and determining buffering precedence when "channel surfing" [0143], however does not explicitly disclose that "the second time period is between 0.5 and 10 minutes".

Maissel teaches a method to determining channel surfing behavior in which a user views a program for a short period of time, for example 2 or 5 minutes, which meets the limitation "...time period between 0.5 and 10 minutes." Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of using a time period of 0.5 and 10 minutes as taught by Maissel, to improve the channel buffering and display management system of Rodriguez for the predictable result of determining

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channel surfing behavior so that “non-surfed” channels are given higher priority over “surfed” channels.

**Claims 7-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Balkus et al. (US Pat. Pub. **2004/0268224**), herein referenced as Balkus.

Regarding **claim 7**, Rodriguez fails to disclose “displaying an editing bar that includes representation of video and/or audio signals and program information; and changing a resolution of the editing bar from a standard resolution to an increased resolution and vice versa”.

Balkus discloses “displaying an editing bar (GUI 700) that includes representation of video and/or audio signals and program information ([0051], [0052], Fig. 7B); and changing a resolution of the editing bar from a standard resolution of to an increased resolution and vice versa” ([0052] i.e. increasing or decreasing time scale). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying an editing bar and changing resolution of the editing bar, as taught by Balkus, to improve the channel buffering and display management system of Rodriguez for the predictable result of allowing the user to edit and customize shows and programs according to their preference.

Regarding **claim 8**, Rodriguez fails to disclose “moving a cursor along the editing bar and accelerating the cursor”.

Balkus discloses “moving a cursor (position indicator 736) along the editing bar and accelerating the cursor” ([0052], Fig. 7B). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of moving a cursor along the editing bar and accelerating said cursor, as taught by Balkus, to improve the channel buffering and display management system of Rodriguez for the predictable result of providing the convenience of allowing the user to see the current position in time.

Regarding **claim 9**, Rodriguez fails to disclose “inserting chapter markings at the editing bar at user defined positions”.

Balkus discloses “inserting chapter markings (754) at said editing bar at user defined positions” ([0052], Fig. 7B). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of inserting chapter markings, as taught by Balkus, to improve the channel buffering and display management system of Rodriguez for the predictable result of enabling the user to specify specific points in the program that designate the beginning or end of particular segment of the program.

**Claim 10-11, 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Ellis et al. (US Pat. Pub. **2003/0204847**), herein referenced as Ellis.

Regarding **claim 10**, Rodriguez discloses “a device (DHCT 16) comprising: a storage device (Fig. 3A, buffers 376, 378), display current program information on the monitor of a new channel after a change of channel ([0097], i.e. user changes to a new channel which is displayed on the TV); and a storage controller (controller 379) that is



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configured to: store the current program information on the storage device, and remove the program information from the storage device, if a new change of channel occurs within a first time period.” ([0149]-[0151], Figs. 13-16, i.e. Rodriguez teaches a method for channel buffering in a multi-tuner set-top box, in which the PVR application makes a determination when a new channel is requested whether or not the currently buffered channels meet a minimum duration threshold. If a currently buffered channel does not meet the minimum threshold then the new channel displaces the current channel in the buffer).

Rodriguez fails to explicitly disclose “a display controller that is configured to: display a display bar that displays program information on a monitor.”

Ellis discloses “a display controller (microcontroller 16) that is configured to: display a display bar (graphic overlay 51) that displays program information on a monitor.” ([0118]-[0119], [0121], Fig. 5). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying a display bar that displays program information as taught by Ellis, to improve the channel buffering and display management system of Rodriguez for the predictable result of enabling the viewer to see the program information of the currently displayed program.

Regarding **claim 11**, Rodriguez discloses that “the storage controller is configured to remove the current program information from the storage device, if a change to a new program in the new channel occurs within a second time period after the change of channel and store program information of the new program on the storage device after the change to the new program.” ([0103]-[0104], [0149]-[0151], i.e.

Rodriguez teaches a second threshold for determining precedence for buffering when a third channel is selected for display).

Regarding **claim 14**, Rodriguez discloses that "the first time period is substantially equal to the second time period." ([0101], i.e. the threshold values can be determined by the viewer's preference, and thus the viewer can set the thresholds equal to each other).

**Claims 12-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Ellis and in further view of Maissel.

Regarding **claim 12**, Rodriguez discloses that the threshold values can be determined by the viewer's preference [0101] and determining buffering precedence when "channel surfing" [0143], however does not explicitly disclose that "the first time period is between 0.5 and 10 minutes".

Maissel teaches a method to determining channel surfing behavior in which a user views a program for a short period of time, for example 2 or 5 minutes, which meets the limitation "...time period between 0.5 and 10 minutes." Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of using a time period of 0.5 and 10 minutes as taught by Maissel, to improve the channel buffering and display management system of Rodriguez for the predictable result of determining channel surfing behavior so that "non-surfed" channels are given higher priority over "surfed" channels.

Regarding **claim 13**, Rodriguez discloses that the threshold values can be determined by the viewer's preference [0101] and determining buffering precedence when "channel surfing" [0143], however does not explicitly disclose that "the second time period is between 0.5 and 10 minutes".

Maissel teaches a method to determining channel surfing behavior in which a user views a program for a short period of time, for example 2 or 5 minutes, which meets the limitation "...time period between 0.5 and 10 minutes." Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of using a time period of 0.5 and 10 minutes as taught by Maissel, to improve the channel buffering and display management system of Rodriguez for the predictable result of determining channel surfing behavior so that "non-surfed" channels are given higher priority over "surfed" channels.

**Claims 15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Ellis, and further view of Balkus.

Regarding **claim 15**, the combination of Rodriguez and Ellis fail to disclose that "the display controller is configured to display an editing bar that includes representations of video and/or audio signals and program information and to change a resolution of the editing bar from a standard resolution to an increased resolution and vice versa."

Balkus discloses that "the display controller is configured to display an editing bar that includes representations of video and/or audio signals and program information

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([0051], [0052], Fig. 7B) and to change a resolution of the editing bar from a standard resolution to an increased resolution and vice versa.” ([0052] i.e. increasing or decreasing time scale). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying an editing bar and changing resolution of the editing bar, as taught by Balkus, to improve the channel buffering and display management system of Rodriguez for the predictable result of allowing the user to edit and customize shows and programs according to their preference.

Regarding **claim 16**, the combination of Rodriguez and Ellis fail to disclose that “the display controller is configured to display chapter markings inserted at the editing bar at user defined positions.”

Balkus discloses that “the display controller is configured to display chapter markings (754) inserted at the editing bar at user defined positions.” ([0052], Fig. 7B). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of inserting chapter markings, as taught by Balkus, to improve the channel buffering and display management system of Rodriguez for the predictable result of enabling the user to specify specific points in the program that designate the beginning or end of particular segment of the program.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER Q. HUERTA whose telephone number is (571) 270-3582. The examiner can normally be reached on M-F(Alternate Fridays Off) 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/  
Primary Examiner, Art Unit 2421

Alexander Q Huerta  
Examiner  
Art Unit 2427

January 12, 2008